

S.B.CRIM.MISC. PETITION NO.956/2005

**Asha Ram & Anr.
Vs.
State of Rajasthan & Anr.**

Date :: 05.07.2006

HON'BLE MR.JUSTICE H.R. PANWAR

None appears for the petitioners.
Mr.Ashok Upadhyay, Public Prosecutor for State.
Mr.J.R. Choudhary, for the respondent complainant No.2.

Despite repeated calls, no one appears for the petitioners.

By the instant criminal misc. petition under Section 482 Cr.P.C., the petitioners have challenged the order dated 27th July, 2005 passed by the learned Sessions Judge, Merta (for short 'the revisional court' hereinafter) in criminal revision No.20/2004, whereby the revisional court dismissed the revision petition filed by the petitioners against the order dated 11.02.2004 passed by the Judicial Magistrate, Degana (for short 'the trial court' hereinafter) in criminal case No.69/2003 and affirmed the order of trial court.

The trial court vide order dated 11.02.2004, framed

the charges for the offence under Section 498-A & 406 IPC and read over the same to the petitioner for offence under Section 498-A and 406 to which they denied and sought trial.

Aggrieved by the order impugned, the petitioners have filed the instant misc petition. The petitioners have already availed one revision before the revisional court. This is second revision. The second revision is barred by Sub-section (3) of Section 397 Cr.P.C. However, in exceptional cases where it is brought to the notice of the court that the order impugned has resulted in manifest injustice or abuse of process of Court, the Court while exercising the powers under Section 482 Cr.P.C. in appropriate cases may interfere with the order.

I have carefully gone through the order of the trial court as also the detailed order of the revisional court.

Both the courts below have concurrently found on the basis of the material produced that there is a ground to presume that the petitioners have committed the offences for which they have been charged.

In the circumstances, therefore, I do not find any error, illegality or perversity in the order impugned. It cannot be said that the orders impugned would result in manifest injustice or abuse of process of court. No interference is warranted by invoking powers under Section 482 Cr.P.C.

Accordingly, the criminal misc. petition is dismissed. Stay petition also stands dismissed.

[H.R. PANWAR],J.

Ashwini/-